

5
Letter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Tischer, Steve

Group Art Unit: 3662

Application No. 10/027,215

Examiner: Gregory C. Issing

Filed: December 21, 2001

Title: "Systems & Methods for Locating and Tracking A Wireless Device"

PRIVILEGED AND CONFIDENTIAL FACSIMILIE COMMUNICATION
FOR
EXAMINER GREGORY C. ISSING

PROPOSED AMENDMENT IN RESPONSE TO FIRST OFFICE ACTION

Hello Examiner Issing:

Thanks for scheduling Monday, May 5 at 9 AM to discuss this application. Claims 1-34 were rejected in the first Office Action. The claims were rejected under § 102 and § 103 as being anticipated and as being obvious in view of the cited prior art.

I, however, believe claims 16 and 33 are patentable. None of the cited references disclose communicating position information "when the battery power of the wireless device reaches a predetermined level." The cited reference to Brown (U.S. 6,392,565) is the only reference that mentions power requirements, and this patent only discusses the low power requirements of the device (see column 4, line 67; column 5, lines 21-23; and column 5, lines 54-56).

As we can discuss, I will propose canceling claims 1-15, claims 17-32, and claim 34. I propose amending claims 16 and 33 to an independent form, incorporating the limitations of the base claim. I will also add new dependent claims.

I will call you Monday at 9 AM. Thanks for your consideration.


Scott P. Zimmerman

Attorney for the Assignee, Reg. No. 41,390

FAX RECEIVED

MAY 01 2003

Official

GROUP 3600